

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-15008 - APPLICANT: SONIC ATMOSPHERES -
OWNER: REDROCK PLAZA, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5556) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Due to the nature for the potential for noise being a nuisance, this Special Use Permit shall be reviewed in two years, at which time, the Planning Commission may deem this use unsuitable at this location. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in the termination of this use.
4. Roll-up doors are to remain closed at all times when vehicles are not entering or exiting the installation facility.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
6. The roll-up doors are to remain closed at all times when vehicles are not entering or exiting the installation facilities.
7. A one year administrative review shall be required.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Special Use Permit for auto parts (accessory installation) and a waiver to allow installation bays to face the public right-of-way at 5191 West Charleston Boulevard, Suite #170 (APN 163-01-515-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

EXECUTIVE SUMMARY

The applicant, Sonic Atmospheres, is requesting the approval of a special use permit for an automobile stereo installation business with a waiver of development standards to permit an installation bay to face a public right-of-way. The elevation plan for the proposed use shows a ten-foot by ten-foot roll-up door adjacent to a Desert Museum Palo Verde, which is part of the foundational screening approved via a prior site development review application.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 10/24/62 | The Board of City Commissioners approved a request for a Rezoning from R-1 (Single-Family Residential) to C-1 (Limited Commercial) on the subject property as part of a larger request (Z-0100-62). The Planning Commission and staff recommended denial. |
| 02/25/71 | The Board of Zoning Adjustment approved a request for a Variance (V-0005-71) to allow the reduction of off-street parking spaces for the Red Rock Theatre from 243 to 207 on property located at 5201 West Charleston Boulevard. A Plot Plan Review was also approved that permitted the expansion of the theater to four screens. Staff recommended approval. |
| 09/19/90 | The City Council approved a request for a Special Use Permit (U-0136-90) for a proposed 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 5183 West Charleston Boulevard, subject to a five-year review. The Planning Commission and staff recommended approval. |
| 10/18/95 | The City Council approved a Five-Year Review [U-0136-90(1)] of an approved Special Use Permit for a 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 5183 West Charleston Boulevard, subject to a five-year review. The Planning Commission and staff recommended approval. |

- 12/06/00 The City Council approved a Five-Year Review [U-0136-90(2)] of an approved Special Use Permit for a 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 5183 West Charleston Boulevard, subject to a two-year review. The Planning Commission and staff recommended approval.
- 01/22/03 The City Council approved a Two-Year Review (RQR-1229) of an approved Special Use Permit for a 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 5183 West Charleston Boulevard, subject to a two-year review. The Planning Commission and staff recommended approval.
- 02/16/05 The City Council approved a Variance (VAR-5557) to allow 179 parking spaces where a minimum of 234 spaces is required on the subject site, a 25.34% reduction. The Planning Commission and staff recommended denial.
- 02/16/05 The City Council approved a Site Development Review (SDR-5556) for a 42,160 square-foot retail center with associated waivers of the commercial development standards for reduced setbacks, and waiving foundation landscaping and screen wall requirements on February 16, 2005.
- 08/24/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #60/jk).

B) Pre-Application Meeting

- 06/23/06 At the pre-application meeting, the applicant was informed that an updated parking analysis for the entire shopping center is necessary with this application. The applicant indicated that the proposed use will cater to high-end stereo installations and there shouldn't be more than one or two cars entering and exiting the installation bay on any given day.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.8
Net Acres: 3.74

B) Existing Land Use

Subject Property: Shopping Center
North: Shopping Center
South: Single-family Residential
East: Stand-alone Retail
West: Shopping Center

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: L (Low Density Residential)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-1 (Single-Family Residential)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The proposed use is located within a developing shopping center in the Southeast Sector Planning Area. The C-1 (Limited Commercial) zoning for this shopping center is consistent with the SC (Service Commercial) land use designation in the Southeast Sector Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The proposed use is on a parcel located within the Redevelopment Plan Area and the Airport Overlay District.

ANALYSIS

A) *Zoning Code Compliance*

Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
General Retail >25,000 sq.ft.	1625 SF.	1/250 GFA	234	7	177 per VAR-5557	6

The parking for this shopping center is consistent with the approval of VAR-5557, which was approved by the City Council on February 16, 2005 to reduce the required parking from 234 spaces to 177 spaces, a 25.34% reduction.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	50 feet	60 feet

The trash enclosures located on the south (rear) side of the building are set back approximately 40 feet from the property line and approximately 60 feet from the existing single-family residential development on the south side of the alley abutting this shopping center.

B) *General Analysis and Discussion*

- Zoning

This property is zoned C-1 by action of the Board of City Commissioners for Z-0100-62, which was approved on October 24, 1962. The approved site plan for this shopping center (SDR-5556) shows that the south side of the shopping center (rear property line), which is adjacent to the alley has Desert Museum Desert Palo Verde foundation landscaping, Raywood Ash trees within the parking areas, spaced at one tree per six parking stalls. An eight-foot wide landscape buffer, adjacent to the alley, is planted with Mondel Pine trees, spaced 20 feet on center.

- Use

The proposed use (automobile stereo installation) for this tenant space is typical for retail centers; however, this request requires a special use permit for a roll-up door facing a public right-of-way (alley) where the standard is to locate roll-up doors away from a public right-of-way.

- Conditions

1. If an installation service is offered, the service shall be restricted to the installation of minor parts only, including batteries, windshield wipers, hoses, fuses, lights, radios and similar minor elements, but excluding engine, transmission and differential service, repair or installation.
2. All installation work shall be done within a completely enclosed building.
3. Access doors to the installation bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. No dismantling, re-manufacturing or rebuilding shall be permitted.
5. No used or discarded minor automotive parts shall be located or stored in any open area outside of an enclosed building.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Staff finds that the proposed use may be suitable at this location provided the roll-up door is maintained in the closed position while stereo installation is taking place.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Staff finds that the intensity of the landscape buffer along the rear (south) property line as well as the roll-up door being located adjacent to a large foundational tree should minimize the view of the roll-up door. There is, however, a concern that leaving the roll-up doors open during stereo installation could pose a nuisance to the residential subdivision to the south if the stereos of any automobiles stereos are played loudly during sound testing of the equipment.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is provided by Charleston Boulevard, designated a 100-foot wide Primary Arterial by the Master Plan of Streets and Highways. The intersection at Brush Street will be fully signalized; therefore, neighborhood traffic will be adequately controlled. There is a similar concern to the aforementioned finding, in that any automobiles leaving the facility via the alley could pose a nuisance to the residential subdivision to the south should any of the automobile owners play their stereos loudly.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

If the roll-up doors are kept closed and automobiles do not exit the facility via the alley, the public health, safety, and welfare, as well as the objectives of the General Plan should be met.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 263 by City Clerk

APPROVALS 0

PROTESTS 0